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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement*/ submitted by the Society for Threatened Peoples,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 July 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

1. During the past years, the People's Republic of China (PRC) signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This is a welcomed gesture which await evidence of suitable adaptations to bring China's domestic laws and practice into line with the international standards. Present practices transgress international human rights standards, and although improvements have been made in some areas, a more comprehensive scheme for the protection of the Tibetans' human rights must be implemented immediately. Despite the obligation to ensure that all citizens can enjoy freedom of expression and opinion, the PRC has actively violated such rights in Tibet.

2. Recent amendments to the Chinese Criminal Procedure Law failed to implement mechanisms to protect individuals from arbitrary arrest and detention. According to information received by our organisation, the vast majority of arrests of Tibetans were arbitrary; imprisoned on ambiguous charges of "endangering state security." Incarcerated for exercising their basic rights, the prisoners are denied many rights whilst in detainment. Legal proceedings fail to meet international standards or violate China's Constitution; the accused are often denied legal representation, visitation rights and the right to appeal. Tibetan prisoners are routinely subjected to torture in order to extract a 'confession,' and many are detained without any judicial proceeding at all. Cases of disappearance are increasing in Tibet despite the concern expressed by the Working Group on Enforced or Involuntary Disappearance on the "emerging pattern" of disappearances in Tibet.

3. In December 1999, there were 614 known Tibetan political prisoners in Chinese prisons according to the India-based Tibetan Centre for Human Rights and Democracy. The rate of imprisonment for political reasons in Tibet is far greater than in other areas under Chinese rule. It is indicative of the extent of the comprehensive campaign of the Chinese authorities to eliminate any views contrary to official policy in Tibet. The extent of Chinese repression in Tibet is evident from a the New York Times article, "Are Tibetans 'Chinese'?" which mentions how a Tibetan father, Loudeng Chideng " was horrified when the police led away his 10-year-old son because the boy refused to repeat the phrase "I am a Chinese citizen" in school, insisting instead that he is Tibetan." The boy spent four months in prison and was released after his father bribed a police officer who, adding a final insult, warned the father not to let it happen again.

4. Torture constitutes a profound abuse of human rights yet despite being party to various international conventions which outlaw the practice, the Chinese authorities continues to tacitly endorse its use in detention centres and prisons. The ultimate violation of human rights is the termination of life. In 1998, 19 Tibetans died prematurely whilst in detention. Eleven of these deaths resulted from the Chinese suppression of the peaceful demonstrations in Drapchi Prison on 1 and 4 May. Since 1986, the deaths of more than 60 known Tibetans in detainment have been recorded although PRC is a state party to the Convention Against Torture.

5. In August 1999, Gabriel Lafitte from Australia was detained for seven days for visiting after making efforts to visit Dulan in northern-eastern Tibet (now in Qinghai province) slated for a World Bank project to bring 58, 000 Chinese settlers into a Tibetan and Mongolian nomadic homeland. His co-traveller Daja Meston, an American and their translator Tsering Dorje, a Tibetan, were also detained. In an article published in The Age, Gabriel Lafitte described the mental torture he endured during those seven days in these words: "To be under interrogation has a terrible beauty. Like a mathematical equation, a finely crafted novel, the process of being criminalised by a master interrogator has the pristine clarity of a diamond, the rigor of chess…I was held 20 hours a day in a two-bed hotel room that could have been a cheap motel on any rural highway in the modern world, except that it took a team of 20 secret policemen and two women to detain, interrogate and watch everything I and my American fellow researcher did. Minute observation of my moods was, they told me, the reason they took to occupying the only chairs in my room, and sometimes the other bed…Each night, an hour or two after falling asleep, I would be wakened for the interrogation and walked upstairs along the tiled corridor to suite 301, where the grand master awaited me. Against the far wall, under the closed, curtained windows, sat the interrogator, always the same lean, intense, aquiline man with a repertoire of barking laughs to cut through the laboriousness of translation and immediately convey his contempt for my answers."

6. Perhaps the greatest threat to the survival of the religious, culture and national identity of the Tibetan people is the implantation of Chinese settlers into Tibet. If the Chinese authorities are permitted to continue its present policies of population transfer, Tibet may face total marginalisation; a fate that is being experienced today in Inner Mongolia and Eastern Turkestan (Xinjiang).

7. The affects of the deliberate strategy are already apparent. Tibetans are denied complete access to the political sector where important issues affecting them are decided. For example, no Tibetan has held the post of the Secretary of the Communist Party, the highest authority in the so-called "Tibet Autonomous Region (TAR)." As a result, Tibetans are vulnerable to exploitation and negligible policies. Massive economic developments, the catalyst for much of the Chinese settlements, is exploiting the land and destroying the livelihood of the indigenous people. The traditional subsistence economy is being replaced by a "market economy" from which the Tibetans are alienated. Subsistence capabilities are being severely diminished which compromises all other rights.

8. Increased Chinese settlements, discriminatory policies and inadequate social welfare combine to create a hostile economic environment for Tibetans. More than 70 per cent of Tibetans in the "TAR" now live below the poverty line. The destruction of their traditional subsistence economy is creating an economic void for the Tibetan people as they have been alienated from the market economy which has replaced the former. China's economic development programmes are repeatedly failing to alleviate the poverty and new means of financial assistance must be employed.

9. These difficulties are compounded by harsh taxation policies that have been implemented without concession. Tibetans are being greatly affected by these demands which sometimes constitute as much as half their salary. China plans to equate tax revenue from the "TAR" to that of the rest of China and with so many "TAR" residents living in poverty, such an intention is clearly abusive. It is essential that China relax their taxation policies and redirect their annual subsidy for the "TAR" so that the living standard of Tibetan individuals may be raised. Until this is achieved, many basic human rights cannot be assured.

10. Despite being a party to the International Convention on the Elimination of All Forms of Racial Discrimination, domestic laws are failing to provide the Tibetans with an environment free from discrimination. Some government-endorsed practices are blatantly discriminatory, to the detriment of the Tibetans. Tibetans also suffer distinct biases in education and healthcare which greatly affects both their cultural and physical development. The continual influx of Chinese settlers is also resulting in discrimination in the employment sector and the Chinese authorities are yet to introduce steps to rectify these issues. In a Washington Post Service article, John Pomfret reported from Lhasa, that a ware of Chinese job-seekers is threatening to swamp Tibet's culture. In the article he said: "The arrival here of tens of thousands of job-seekers from Chinese ethnic Han majority....is threatening to swamp the culture of 5 million Tibetans...'I am not replacing a Tibetan,' argued Mr. Xie, who came here in pursuit of a fortune two years ago after China relaxed restrictions on travel...Pointing to a teenage Tibetan competitor who was selling scarves of lower quality at the same price, he said, 'We're just beating them at their own game.'"

11. Individual and collective rights abuses continue to challenge the Tibetan people in their daily lives and in the future survival of their religious and cultural identity. The Chinese authorities are obliged to rectify this situation immediately by amending their domestic laws to provide for the protection of all rights. Beijing's signature of the ICESCR and ICCPR requires speedy follow-up with China's ratification of the Covenants. Continual international pressure, therefore, is essential to encourage the Chinese authorities of the need to abide by the obligations to human rights and other international treaties to which Beijing is a party.

12. In conclusion, the Society for Threatened Peoples appeals to the Sub-Commission on the Promotion and Protection of Human Rights to urge the Chinese authorities to immediately end gross and systematic violations of human rights and fundamental freedoms in Tibet. A genuine call by the Sub-Commission for a peaceful negotiated settlement of the Tibetan issue by the Chinese authorities is also urged by our organisation.